

## **EXHIBIT B**

APR-22-05 08:01 FROM: LYNCH et al.

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FAX TRANSMITTAL

April 22, 2005

TO Eric C. Liebeler, Esq. (213) 680-8500

CC Clyde W. Matsui, Esq. 599-2979  
Lex Smith, Esq. 539-8799

RE: Wayne Berry v. HEX, et al., Civ. No. CV03 00385 SOM-LEK

*PLEASE NOTE: This communication contains confidential and privileged information. It is exempt from disclosure under applicable law. If you received it in error, please notify the sender immediately by telephone or fax.*

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Letter to Eric Liebeler (dated 4/22/05) from Timothy J. Hogan, Esq.

CC: Counsel via Email

APR-22-05 08:01 FROM: LYNCH et al.

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## LYNCH ICHIDA THOMPSON KIM & HIROTA

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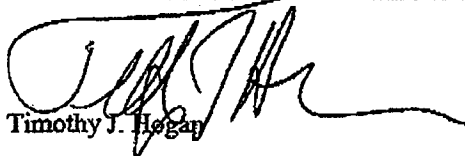
Re: In re Fleming Companies, Inc. Bk. No. 03-10945-MFW

Dear Mr. Liebler:

We are writing and sending via fax our objection to Brad Dechter or any other Berry competitor having any access to Highly Confidential - Attorneys Eyes Only materials in this case. We designate all Y.Hata documents and of course all Berry Technology as such. Because the last time someone used Mr. Dechter as an expert he sued them during the case just prior to trial from what appeared to be revelations that he learned in his deposition, we welcome his participation so long as he has no access to protected materials. We wish to extend to him our fondest 'long time no see' and a 'welcome aboard!'

Very truly yours,

LYNCH ICHIDA THOMPSON KIM & HIROTA

  
Timothy J. Hogan

TJH:llk  
Enclosure

cc: Wayne Berry  
Clyde Matsui, Esq.  
Lex Smith, Esq.  
Counsel via email